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Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Elimination of racism and racial discrimination, xenophobia and related intolerance

The rule of law at the national and international levels

Letter dated 17 August 2012 from the Chargé d'affaires a.i. of the Permanent Mission of Azerbaijan to the United Nations addressed to the Secretary-General

In addition to our previous letters dated 25 April, 10 May and 20 July 2012 (A/66/783-S/2012/271, A/66/798-S/2012/313 and A/66/875-S/2012/573), I have the honour to draw your attention to the reaction of the international community to the illegal "presidential elections" held on 19 July 2012 in the occupied Daghlyq Garabagh (Nagorno-Karabakh) region of the Republic of Azerbaijan (see annex).

In their statements and communications, the international organizations and individual States voiced their unequivocal protest against the aforementioned "elections" and declared this provocative action null and void. Accordingly, it has been made clear that, against the background of continuing aggression, occupation and ethnic cleansing of the captured territories of Azerbaijan, the arranging of any kind of voting process in these territories cannot be recognized as legally valid and in no way can impose a unilateral solution.

The clearly expressed unanimity of the international community confirms that the attempts to give the ethnically constructed subordinate separatist regime set up by Armenia in the occupied territories of Azerbaijan the appearance of legitimacy are, a priori, doomed to failure. We are confident that the policy of colonization and annexation of the sovereign territory of Azerbaijan has no chance to succeed and that Armenia will be obliged to completely withdraw its armed forces from the Daghlyq Garabagh region and other occupied territories of Azerbaijan, to denounce

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its territorial claims towards neighbouring nations, to respect international law and to establish civilized relations with all countries of the region.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 35, 39, 67 and 83, and of the Security Council.

(*Signed*) Tofig **Musayev**
Deputy Permanent Representative
Chargé d'affaires a.i.

Annex to the letter dated 17 August 2012 from the Chargé d'affaires a.i. of the Permanent Mission of Azerbaijan to the United Nations addressed to the Secretary-General

Reaction of the international community to the illegal "presidential elections" held on 19 July 2012 in the occupied Daghlyq Garabagh (Nagorno-Karabakh) region of the Republic of Azerbaijan

Below are excerpts from some statements and communications of international organizations and individual States.

In her statement dated 18 July 2012 regarding the "presidential elections" in Nagorno-Karabakh, the High Representative of the European Union for Foreign Affairs and Security Policy, Catherine Ashton, reiterated that "the European Union does not recognize the constitutional and legal framework in which they will be held" and that "these 'elections' should not prejudice the determination of the future status of Nagorno-Karabakh in the negotiated general framework of the peaceful settlement of the conflict".[1]

The Secretary General of the Organization of Islamic Cooperation, Ekmeleddin Ihsanoglu, expressed the organization's rejection of the so-called "presidential elections" in the occupied Nagorno-Karabakh region of the Republic of Azerbaijan. The Secretary General further emphasized the organization's "continuous support to achieve a just and peaceful settlement of the conflict between Armenia and Azerbaijan on the basis of respect for the principles of territorial integrity of States and inviolability of internationally recognized borders".[2]

The Chairperson-in-Office of the Organization for Security and Cooperation in Europe (OSCE), Eamon Gilmore, stated that "the OSCE does not recognize the independence of Nagorno-Karabakh" and that "the 'presidential elections' should not exert any impact on efforts to settle the conflict in the agreed format".[3]

The Co-Chairs of the OSCE Minsk Group, Ambassadors Robert Bradtke of the United States, Igor Popov of the Russian Federation, and Jacques Faure of France, in their statement dated 20 July 2012, noted that "none of their three countries, nor any other country, recognizes Nagorno-Karabakh as an independent and sovereign state". According to the Co-Chairs, "the procedures of 19 July in no way prejudge the final legal status of Nagorno-Karabakh or the outcome of the ongoing negotiations to bring a lasting and peaceful settlement to the Nagorno-Karabakh conflict".[4]

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[1] European Union, statement by High Representative Catherine Ashton on Nagorno-Karabakh, Brussels, 18 July 2012, available from www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/131842.pdf.

[2] "OIC rejects the so-called elections in Nagorno-Karabakh", 19 July 2012, available from www.oic-oci.org/topic_detail.asp?t_id=7041.

[3] "OSCE chairman releases statement on 'presidential elections' in Karabakh", 19 July 2012, available from www.azertag.net/en/node/982203.

[4] Statement of the OSCE Minsk Group Co-Chairs, 20 July 2012, available from www.osce.org/mg/92313.

The Special Representative of the Secretary General of the North Atlantic Treaty Organization (NATO) for the Caucasus and Central Asia, James Appathurai, stated on 19 July 2012 that "NATO, like other international organizations, does not recognize so-called presidential elections held in Nagorno-Karabakh", and that "the holding of such elections does not contribute to a peaceful and lasting settlement to the conflict".[5]

In her letter of 21 May 2012 addressed to the Permanent Mission of the Republic of Azerbaijan to the United Nations on behalf of the Secretary-General of the United Nations, the Chef de Cabinet of the Secretary-General, Susana Malcorra, underlined that the Daghlyq Garabagh region constitutes part of the Republic of Azerbaijan, qualified the so-called "presidential elections" as fictitious and assured the Azerbaijani side that the United Nations was not involved in their conduct. The Secretary-General encouraged all sides to remain engaged in the search for a peaceful and lasting solution and expressed his hope that the negotiations could be accelerated with a view to reaching a peaceful settlement.

The Ministry of Foreign Affairs of the Republic of Turkey stated on 18 July 2012 that "the so-called 'presidential elections' will be held on 19 July 2012 in the Azerbaijani territory of Nagorno-Karabakh, which remains under the occupation of Armenia, in total contravention of international law and contrary to the expectations of the international community". According to the position of Turkey, the "elections constitute a clear breach of the Security Council resolutions and OSCE principles" and represent "a new example of the unilateral efforts to legitimize the present unlawful situation in Nagorno-Karabakh". In that regard, while deploring this act, which violates Azerbaijan's political unity, sovereignty and territorial integrity, Turkey stated that it "will not recognize the results of these so-called 'presidential' elections, which it considers illegitimate and certainly null and void in terms of international law".[6]

The Ministry of Foreign Affairs of Georgia, in its statement of 19 July 2012, "reaffirm[ed] the Georgian government's unequivocal support for Azerbaijan's sovereignty and territorial integrity", and pointed out that it "does not recognize the so-called 'presidential elections' which were held in Nagorno-Karabakh on 19 July 2012".[7]

The Ministry of Foreign Affairs of Romania stated on 19 July 2012 that it "considers the so-called presidential elections held on 19 July 2012 in the separatist region of Nagorno-Karabakh as deprived of legitimacy", and "reiterating its constantly asserted position of principle to the effect of not recognizing the independence of the Nagorno-Karabakh region, the Ministry of Foreign Affairs

[5] Available from www.aznatomission.be/?/en/news/view/202/.

[6] Press release of the Ministry of Foreign Affairs of the Republic of Turkey "regarding the so-called 'presidential elections' to be held in Nagorno Karabakh", 18 July 2012, available from www.mfa.gov.tr/no_-188_-18-temmuz-2012_-yukar%C4%B1-karaba%C4%9F_da-d%C3%BCzenlenecek-s%C3%B6zde-_ba%C5%9Fkanl%C4%B1k_-se%C3%A7imleri-hk_.en.mfa.

[7] Statement of the Ministry of Foreign Affairs of Georgia "in reaction to the so-called 'presidential elections' held in Nagorno-Karabakh on the 19th of July 2012", 19 July 2012, available from www.mfa.gov.ge/index.php?lang_id=ENG&sec_id=59&info_id=15368.

expresses confidence that this ballot will in no way prejudice the process of finding a peaceful, negotiated solution to the conflict in the Nagorno-Karabakh region".[8]

In its statement of 19 July 2012, the Ministry of Foreign Affairs of the Czech Republic underlined that "the Czech Republic does not recognize [the] constitutional and legal framework within which [the] elections took place". According to the statement, "the Czech Republic is of the view that these elections do not contribute to the creation of a more positive atmosphere for the solution of the frozen conflict".[9]

The Embassy of the Republic of Moldova in Azerbaijan stated on 19 July 2012 that "Moldova, along with other countries, does not recognize the so-called 'presidential elections' in Nagorno-Karabakh", and that it "supports the sovereignty and territorial integrity of the Republic of Azerbaijan and stands for the peaceful settlement of the Nagorno-Karabakh conflict".[10]

The Ministry of Foreign Affairs of the Russian Federation stated on 20 July 2012 that, as well as all other countries, Russia "do[es] not recognize Nagorno-Karabakh as an independent state" and "do[es] not consider that the results of the process of peace settlement could depend on these elections".[11]

The Ministry of Foreign Affairs of the Republic of Latvia stated on 20 July 2012 that it "does not recognize the 'presidential elections' held in Nagorno-Karabakh on 19 July and does not recognize the results thereof". In this context, the Ministry "express[ed] concern about the lack of progress in the resolution of the Nagorno-Karabakh conflict, the escalation of incidents and the rising number of victims", and "call[ed] on all parties involved to solve the conflict through negotiations.[12]

In its statement of 20 July 2012, the Ministry of Foreign Affairs of Hungary emphasized that the settlement of the Nagorno-Karabakh conflict "must be achieved by peaceful and negotiated means, on the basis of the sovereignty, territorial integrity and inviolability of borders of the states concerned, as well as the respect for the rights of minority communities". The Ministry of Foreign Affairs of Hungary fully aligned itself with the statement of the High Representative of the European Union for Foreign Affairs and Security Policy, Catherine Ashton, of 18 July 2012, stating that the European Union does not recognize the constitutional and legal framework in which [the 'elections' of 19 July 2012 in Nagorno-Karabakh] were held, and that "these 'elections' should not prejudice the determination of the future

[8] Press release of the Ministry of Foreign Affairs of Romania "on the so-called presidential elections in the Nagorno-Karabakh separatist region", 19 July 2012, available from www.mae.ro/en/node/14605.

[9] Statement of the Ministry of Foreign Affairs of the Czech Republic "on presidential election in Nagorno Karabagh", 19 July 2012, available from www.mzv.cz/jnp/en/issues_and_press/statements/x2012_07_19_statement_of_mfa_on_presidential_election_in_nagorno_karabagh.html.

[10] Embassy of the Republic of Moldova in Azerbaijan, "The position of the Republic of Moldova regarding the so-called 'presidential elections' in Nagorno-Karabakh", available from www.azerbaidjan.mfa.md/anounsments-ro/492607/.

[11] Briefing of the Official Representative of the Ministry of Foreign Affairs of Russia, A. K. Lukashevich, "On the so-called 'presidential elections' in Nagorno-Karabakh", 20 July 2012, available from www.mid.ru/bdomp/brp_4.nsf/e78a48070f128a7b43256999005bcbb3/6904234485666204442 57a44002aea68!OpenDocument.

[12] Announcement of the Ministry of Foreign Affairs of Latvia on Nagorno-Karabakh, 20 July 2012, available from www.am.gov.lv/en/news/press-releases/2012/july/20-1/.

status of Nagorno-Karabakh in the negotiated general framework of the peaceful settlement of the conflict".[13]

The Federal Foreign Office of Germany stated on 19 July 2012 that "the Federal Government does not recognize any Nagorno-Karabakh Republic, its representatives and elections held there" and that this constitutes the position of the European Union expressed by the High Representative of the European Union for Foreign Affairs and Security Policy, Catherine Ashton.[14]

The Federal Department of Foreign Affairs of Switzerland, in its communication dated 20 July 2012 to the Embassy of the Republic of Azerbaijan in Switzerland, informed that "the Swiss Confederation respects the territorial integrity of Azerbaijan within its internationally recognized borders and does not recognize the independence of Nagorno-Karabakh, which is part of the Republic of Azerbaijan".

In its statement of 20 July 2012, the Ministry of Foreign Affairs of the Republic of Serbia qualified the "presidential elections" held on 19 July 2012 as illegitimate and underlined that "the respect for the sovereignty and territorial integrity of the States Members of the United Nations is the fundamental principle on which the international order is based". In that regard, the Ministry of Foreign Affairs of the Republic of Serbia stated that "these elections cannot prejudice the future status of the region or the ongoing negotiations on the peaceful settlement of the conflict".[15]

The Ministry of Foreign Affairs of the People's Republic of China stated on 21 July 2012 that "China's position on the Nagorno-Karabakh issue has been clear and consistent, and remains unchanged". China expressed its hope that "parties concerned can peacefully resolve the Nagorno-Karabakh issue in a way acceptable to all sides through consultation and dialogue in accordance with the universally recognized norms of international law and relevant Security Council resolutions. This not only serves the interests of all parties concerned, but also contributes to regional peace, stability and development".[16]

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[13] Statement of the Ministry of Foreign Affairs of Hungary on Nagorno-Karabakh, 20 July 2012, available from www.kormany.hu/en/ministry-of-foreign-affairs/news/statement-of-the-ministry-of-foreign-affairs-of-hungary-on-nagorno-karabakh.

[14] The Federal Foreign Office of Germany, press conference on 20 July 2012, available from www.bundesregierung.de/Content/DE/Mitschrift/Pressekonferenzen/2012/07/2012-07-20-regpk.html.

[15] Statement of the Ministry of Foreign Affairs of the Republic of Serbia, 20 July 2012, available from www.mfa.gov.rs/Srpski/Pressframe.htm.

[16] Ministry of Foreign Affairs of the People's Republic of China, remarks by Foreign Ministry spokesperson Hong Lei, 21 July 2012, available from www.china-un.org/eng/fyrth/t955112.htm.